

OVERVIEW

If the prospective family must be excluded from consideration for adoption based on requirements in this policy, a CWL-3130, Initial Foster Home/Adoption Evaluation, **should not** be completed. The basis for exclusion must be documented in the adoptive applicant's file on the DHS-1926, Preliminary Family Assessment; see [ADM 0500, Preliminary Adoptive Family Assessment](#).

EXCLUSIONS

The adoptive applicant must be excluded from adopting under the following circumstances:

- The agency or court has reliable information that the prospective adoptive parent has been convicted under MCL 750.145a or 750.145c (enticing, promoting, or participating in child sexually abusive activity or material) or MCL 750.520b through 750.520g (criminal sexual conduct).
- The applicant has been convicted of an “offense against a minor” as defined in Public Law 109-248, the Adam Walsh Child Protection and Safety Act of 2006, including:
 - An offense (unless committed by a parent or guardian) involving kidnapping.
 - An offense (unless committed by a parent or guardian) involving false imprisonment.
 - Solicitation to engage in sexual conduct.
 - Use in a sexual performance.
 - Solicitation to practice prostitution.
 - Video voyeurism as described in 18 USC 1801.
 - Possession, production or distribution of child pornography.
 - Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.
 - Any conduct that by its nature is a sex offense against a minor.

Note: “Convicted” includes certain juvenile adjudications. The term “convicted” or a variant thereof, used with respect to a sex offense, includes adjudicated delinquent as a juvenile for that offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in 18 USC 2241), or was an attempt or conspiracy to commit such an offense.

LEGAL

Federal

18 US 2241

State

MCL 750.154a

MCL 750.154c

MCL 750.520b

MCL 750.520g

CONTACT

Questions about this policy item may be directed to the [Child Welfare Policy Mailbox](#)